

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHARLES DENNIS HAWKINS,

CASE NO. 3:17-CV-06007-BHS-DWC

Petitioner,

**ORDER SUBSTITUTING
RESPONDENT AND FOR SERVICE
AND ANSWER, § 2254 PETITION**

MARGARET GILBERT,

Respondent.

14 This is a federal habeas action filed under 28 U.S.C. § 2254. Petitioner is currently
15 incarcerated at the Stafford Creek Corrections Center and is subject to the Court's Prisoner E-
16 Filing Initiative pursuant to General Order 06-16. The Court, having reviewed petitioner's
17 federal habeas petition, hereby finds and **ORDERS** as follows:

(1) The proper Respondent in a habeas petition is the superintendent of the prison in which Petitioner is being held. Therefore, the Court directs the Clerk to substitute Respondent Ron Haynes with Margaret Gilbert, the superintendent at the Stafford Creek Corrections Center.

21 (2) The Clerk shall arrange for service by e mail upon respondent and upon the
22 Attorney General of the State of Washington, of copies of the petition, of all documents in

1 support thereof, and of this Order. The Clerk shall also direct a copy of this Order and of the
2 Court's *pro se* instruction sheet to petitioner.¹

3 (3) Within **forty-five (45) days** after such service, respondent(s) shall file and serve an
4 answer in accordance with Rule 5 of the Rules Governing Section 2254 Cases in United States
5 District Courts. As part of such answer, respondent(s) shall state whether petitioner has
6 exhausted available state remedies and whether an evidentiary hearing is necessary.
7 Respondent(s) shall not file a dispositive motion in place of an answer without first showing
8 cause as to why an answer is inadequate. Respondent(s) shall file the answer with the Clerk of
9 the Court and serve a copy of the answer on petitioner.

10 (4) The answer will be treated in accordance with LCR 7. Accordingly, on the face
11 of the answer, respondent(s) shall note it for consideration on the fourth Friday after filing.
12 Petitioner may file and serve a response not later than the Monday immediately preceding the
13 Friday designated for consideration of the matter, and respondent(s) may file and serve a reply
14 not later than the Friday designated for consideration of the matter.

15 (5) Filing by Parties, Generally

16 All attorneys admitted to practice before this Court are required to file documents
17 electronically via the Court's CM/ECF system. Petitioner shall file all documents electronically.
18 All filings must indicate in the upper right hand corner the name of the magistrate judge to whom
19 the document is directed.

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23 ¹ The Court notes Plaintiff has also filed a Motion for Leave to Proceed *In Forma Pauperis* for the Purpose
of Seeking Appointment of Counsel. Dkt. 5. The Court will consider this in a separate Report and Recommendation.

1 Any document filed with the Court must be accompanied by proof that it has been served
2 upon all parties that have entered a notice of appearance in the underlying matter. Petitioner
3 shall indicate the date the document is submitted for e-filing as the date of service.

4 || (6) Motions

5 Any request for court action shall be set forth in a motion, properly filed and served

6 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a
7 part of the motion itself and not in a separate document. The motion shall include in its caption
8 (immediately below the title of the motion) a designation of the date the motion is to be noted for
9 consideration on the Court's motion calendar.

10 (7) Direct Communications with District Judge or Magistrate Judge

11 No direct communication is to take place with the District Judge or Magistrate Judge with
12 regard to this case. All relevant information and papers are to be directed to the Clerk.

13 || Dated this 22nd day of December, 2017.


David W. Christel
United States Magistrate Judge

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AND ANSWER § 2254 PETITION - 3**